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REMARKS

This response is intended as a full and complete response to the final Office Action mailed October 7, 2005. In the Office Action, the Examiner noted that claims 27-35 and 48-54 are pending and rejected under 35 U.S.C. §103. By this response, Applicants have amended claims 27 and 48.

In view of both the above amendments and the following discussion, Applicants submit that the claims pending in the application are non-obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that the application is in condition for allowance.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Amendments to the Claims

By this response, Applicants have amended claims 27 and 48. The amendments to the claims are fully supported by the Specification, Drawings and Claims as originally filed. For example, the amendments are supported in the present Specification at least by page 8, lines 6 to 25. The amendments are further supported by page 2, lines 17-19 of U.S. Patent Application No. 09/540,178 (which is incorporated by reference in its entirety on page 8, lines 20-25, of the Specification of the present application).

Additionally, the Examiner is also directed to Figure 5 and column 5, lines 31-63, of U.S. Patent No. 6,289,376 (which is incorporated by reference in its entirety on page 10, lines 4-8, of the Specification of the present application) for additional disclosure concerning video switches.

Thus, no new matter has been added, and the Examiner is respectfully requested to enter the amendments to the claims.

Rejection under 35 U.S.C. §103(a) of Claims 27-29, 31-35, 48-50, and 53-56

The Examiner has rejected claims 27-29, 31-35, 48-50 and 53-56 under 35 U.S.C. §103(a) as being unpatentable over Herrmann et al. (U.S. Patent No. 6,134,707,

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hereinafter "Herrmann") and further in view of Tang (U.S. Patent No. 6,389,321, hereinafter "Tang") and further in view of Sasaki (U.S. Patent 6,198,304, hereinafter "Sasaki"). The rejection is respectfully traversed.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Hermann, Tang and Sasaki references, alone or in combination, fail to teach or suggest all of the limitations recited in claim 27, and thus fail to teach or suggest the Applicants' invention as a whole.

Specifically, the Hermann, Tang and Sasaki references, alone or in combination, fail to teach or suggest at least the "video switch capable of transferring video information between a video server and subscriber equipment of a television program delivery system," the "transferring said second file to a headend controller at a cable headend of said television program delivery system," and the "transferring said second file from said headend controller to said video switch" as recited in claim 27.

The Hermann reference discloses an "apparatus and method for in-system programming of programmable devices" (abstract). The Tang reference discloses that an "in-system programmable (ISP) system can be programmed by remote access from a host programming system" (abstract). The Sasaki reference discloses a "logic cell for a programmable logic device" (abstract). However, the Hermann, Tang and Sasaki references do not teach or suggest any of a video switch, a headend controller, a cable headend, and a television program delivery system.

Thus, the Hermann, Tang and Sasaki references, alone or in combination, fail to teach or suggest the present invention, as claimed, as a whole.

As such, independent claim 27 is allowable under 35 U.S.C. §103. Moreover, independent claim 48 contains substantially similar relevant limitations as those discussed above in regards to claim 27, and is therefore also allowable under 35 U.S.C. §103. Furthermore, claims 28-29, 31-35, 49-50, and 53-56 depend directly or indirectly from independent claims 27 and 48 and recite additional features thereof. As such, and at least for the same reasons set forth above, these claims are also allowable under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.

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Rejection under 35 U.S.C. §103(a) of Claim 52

The Examiner has rejected claim 52 under 35 U.S.C. §103(a) as being unpatentable over Herrmann, Tang, Sasaki and further in view of allegedly admitted prior art. Applicants respectfully traverse the rejection.

Claim 52 depends directly from independent claim 48. Moreover, for at least the reasons discussed above, the Hermann, Tang and Sasaki references fail to teach or suggest Applicants' invention as recited in claim 48. Accordingly, any attempted combination of the Hermann, Tang and Sasaki references with any other additional references, in a rejection against the dependent claim, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claim 52 is patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

Rejection under 35 U.S.C. §103(a) of Claims 30 and 51

The Examiner has rejected claims 30 and 51 under 35 U.S.C. §103(a) as being unpatentable over Herrmann, Tang, Sasaki in view of technical paper published in May 1999, ver. 6, hereinafter called Altera Corporation. Applicants respectfully traverse the rejection.

Claims 30 and 51 depend directly from independent claims 27 and 48. Moreover, for at least the reasons discussed above, the Hermann, Tang and Sasaki references fail to teach or suggest Applicants' invention as recited in claims 27 and 48. Accordingly, any attempted combination of the Hermann, Tang and Sasaki references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claims 30 and 51 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims presently in this application are non-obvious under the provisions of 35 U.S.C. §103. Applicants believe that this application is in condition for allowance. Reconsideration of this application and its swift passage to issue are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Stephen Guzzi, at (732) 383-1405, or Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

12/6/05

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